



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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November 22, 2002

William Bogdan
10 Darren Drive, #B
Raymond, NH 03077

**NOTICE OF DECISION
PROPOSED LICENSE ACTION
No. 01-07**

Dear Mr. Bogdan:

As you are aware, by Notice of Proposed License Action No. 01-07, issued August 16, 2001, the Water Division ("the Division") sought to revoke your Recreational Campground Certificate of Compliance dated December 21, 2001. Pursuant to RSA 541-A:30 and based on my review of the testimony and evidence presented at the hearing held on this matter on May 20, 2002, I have concluded that the following action is appropriate:

- ▶ The Recreational Campground Certificate of Compliance shall be revoked.

This decision is based on the following findings and conclusions:

- 1 William Bogdan is the owner of land located at Little River Road, Bethlehem, NH and more particularly described in the Town of Bethlehem tax maps as map 210, Lot 12 ("the Property").
2. Mr. Bogdan operates a campground known as the Abnaki Lodge and Campground on the Property.
3. In 1992, Mr. Bogdan submitted an application for a subsurface sewage disposal system. The site plan submitted with the application shows an existing lodge and the proposed septic system designed to serve the lodge.
4. On August 26, 1992, DES issued Construction Approval No. 194418 to Mr. Bogdan.
5. In 1998 and 1999, DES sent a questionnaire to each known campground in New Hampshire to determine compliance with the applicable statutes and rules.
6. On March 15, 1999, DES received a completed questionnaire from Mr. Bogdan. In the questionnaire, Mr. Bogdan stated that the Property had operated as a campground since 1963 - 1964 and requested that it receive grandfathered status.
7. By letter dated March 23, 1999, DES informed Mr. Bogdan that it reviewed the

Construction Approval #194418 and found that no campsites were shown on the approved plan and that he does not currently have approval for any campsites on the Property.

8. By letter dated November 17, 1999, DES requested that Mr. Bogdan submit documentation as proof to support his claim that the Property qualified for grandfathered rights. Mr. Bogdan submitted additional documentation.
9. By letter dated March 15, 2000, DES denied his request for grandfathered status and requested that Mr. Bogdan comply with the rules.
10. By letter dated May 8, 2000, DES informed Mr. Bogdan that he did not have approval to operate any campsites and he would be in violation of the RSA 485-A and Env-Ws 1000 if he continued to operate the campground after September 5, 2000.
11. In December 2000, Mr. Bogdan submitted additional information to DES which included letters from a local businessman and a licensed septic system designer, stating that a campground existed on the Property prior to 1967. DES reviewed the new information and determined that the campground was a grandfathered use.
12. On December 21, 2000, DES issued a Certificate of Compliance to Mr. Bogdan to operate a recreational campground containing 12 short-term campsites on the Property.
13. On June 27, 2001, DES inspected the Property to compare it with a site plan Mr. Bogdan submitted earlier. At the inspection, DES observed more wetlands than what was shown on the plan, and campsites in wetlands or with huge trees growing in the middle of them.
14. Under Env-Ws 1004.19(a), any approval issued by the department shall be issued based on the presumption that the information submitted as part of the application is true, complete, and not misleading.
15. The information Mr. Bogdan submitted to DES was false, incomplete, and misleading, inasmuch as the June 27th site inspection, additional information, and further investigation of the information Mr. Bogdan submitted showed that Mr. Bogdan submitted incomplete information.
16. The false, incomplete, and misleading information directly resulted in the issuance of the Certificate of Compliance.

As to the Proposed Findings of Fact and Rulings of Law submitted by the Division, the following rulings are made:

- a. Proposed Findings #1 through # 14 are granted.

As to the Proposed Rulings of Law submitted by the Division, the following rulings are made:

- a. Rulings of Law #1 through #4 are granted.

If you are aggrieved by this decision, you may file a motion for reconsideration within 30 days of the date of this decision, in accordance with NH RSA 541 and Env-C 206 (copy enclosed).

Very truly yours,


COPY
George Dana Bisbee
Acting Commissioner

Enclosure

cc: Board of Selectmen, Town of Bethlehem
M. Ransmeier, Esq.
Harry T. Stewart, Director, DES Water Division
W. E. Evans, Administrator, DES Subsurface Systems Bureau
Richard de Séve, Compliance Supervisor, DES Subsurface Systems Bureau
Gretchen Rule, Administrator, DES Legal Unit